

1
2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 United States of America,

No. CR-23-02363-001-TUC-RCC (MSA)

10 Plaintiff,

ORDER

11 v.

12 Herbert Wilson Coleman, Jr.,

13 Defendant.

14
15 On July 29, 2024, Magistrate Judge Maria S. Aguilera issued a Report and
16 Recommendation in which she recommended that the Court deny Defendant Herbert
17 Coleman Jr.'s motion to dismiss the indictment (Doc. 33). (Doc. 42.) Defendant objected.
18 (Doc. 51.)

19 When a party objects a magistrate judge's R&R, the district court must "determine
20 de novo any part of the magistrate judge's disposition that has been properly objected to.
21 The district judge may accept, reject, or modify the recommended disposition; receive
22 further evidence; or return the matter to the magistrate judge with instructions." Fed. R.
23 Civ. P. 72(b)(3); *see also* 28 U.S.C. § 636(b)(1). Moreover, "while the statute does not
24 require the judge to review an issue *de novo* if no objections are filed, it does not preclude
25 further review by the district judge, *sua sponte* or at the request of a party, under a *de
26 novo* or any other standard." *Thomas v. Arn*, 474 U.S. 140, 154 (1985).

27 The Court has reviewed the complaint, indictment, the magistrate's R&R, and
28 Defendant's objection. The Court finds the R&R well-reasoned and agrees with Judge

1 Aguilera's conclusions.

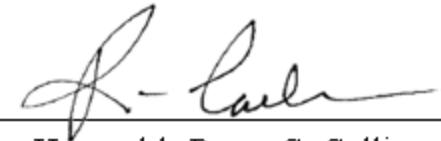
2 Accordingly, IT IS ORDERED:

3 (1) Magistrate Judge Aguilera's Report and Recommendation is ADOPTED. (Doc.
4 42.)

5 (2) Defendant Herbert Coleman Jr.'s Motion to Dismiss is DENIED. (Doc. 33.)

6 Dated this 20th day of August, 2024.

7
8
9
10
11



12 Honorable Raner C. Collins
13 Senior United States District Judge
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28